

Notice of Allowability

Application No.

10/532,332

Examiner

PHILLIP A. JOHNSTON

Applicant(s)

ARNDT, MICHAEL

Art Unit

2881

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8-3-2009.
2. ☒ The allowed claim(s) is/are 7-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7-29-2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12-15-2009
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/David A Vanore/
Primary Examiner, Art Unit 2881

Detailed Action

1. This Office Action is submitted in response to the Amendment filed 8-3-2009, wherein claims 7-24 are pending.

Examiners Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aaron Deditch on 12-11-2009. The changes made below are underlined.

The Claims are amended as follows;

-- 7. (Previously Presented) An infrared source for a gas sensor comprising:

a coated lamp glass including:

a first layer having first transmission characteristics produced by absorption of infrared radiation; and

a second layer having second transmission characteristics produced by absorption of infrared radiation,

wherein a combination of the first and the second transmission characteristics effects a bandpass filter characteristics for an operating frequency range, and wherein the first and second transmission characteristics are different transmission characteristics. --

-- 10. (Previously Presented) A gas sensor comprising:

an infrared source;

a detector; and

an interference filter situated between the infrared source and the detector,

wherein the infrared source includes:

a coated lamp glass including:

a first layer having first transmission characteristics produced by absorption of infrared radiation, and

a second layer having second transmission characteristics produced by absorption of infrared radiation,

wherein a combination of the first and the second transmission characteristics effects a bandpass filter characteristics for an operating frequency range, and wherein the first and second transmission characteristics are different transmission characteristics. --

Allowable Subject Matter

3. Claims 7-24 are allowed

Examiner's statement of reasons for allowance

The following is an examiner's statement of reasons for allowance:

4. The prior art discloses an infrared source for a gas sensor. (See USPN 3,211,961 to Bayly; and USPN 5,429,805 to Uno).The prior art also discloses an infrared light source

having a coated lamp glass.(See USPN 4,500,810 to Graff and USPN 4,366,407 to Webster). However, the lamp glass coating layers are designed to emit or reflect light of a selected color rather than provide band-pass filtering of a transmitted light.

5. Claims 7 and 10 are allowed because the prior art fails to disclose an infrared source for a gas sensor, where the source includes a coated lamp glass having two layers whose transmission characteristics combine to provide band-pass filter characteristics for an operating frequency range.

Claims 8, 9, and 11-24 are allowed by virtue of their dependency upon allowed claims 7 and 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications should be directed to Phillip Johnston whose telephone number is (571) 272-2475. The examiner can normally be reached on Monday-Friday from 7:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor Robert Kim can be reached at (571) 272-2293. The fax phone number for the organization where the application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJ
December 15, 2009
/David A Vanore/
Primary Examiner, Art Unit 2881